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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,806	09/11/2003	Tami J. Tadrowski	60037.1466USU1	5237

7590 09/12/2005

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EXAMINER

MRUK, BRIAN P

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,806

Applicant(s)

TADROWSKI ET AL.

Examiner

Brian P. Mruk

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 19 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 4-18 and 20-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12-22-03 & 3-31-04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 19 and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahmed, U.S. Patent No. 6,156,716.

Ahmed, U.S. Patent No. 6,156,716, discloses a cleaning composition for cleaning cooking equipment (see col. 3, lines 29-37 and col. 4, lines 49-57) comprising 1-40% by weight of a builder, 1-40% by weight of an alkaline carbonate, 0-20% by weight of a surfactant, 0-20% by weight of a solvent, 0-10% by weight of an alkaline material, and water (see col. 4, line 67-col. 5, line 20). It is further taught by Ahmed that suitable surfactants include ethoxylated alcohols (see col. 6, lines 27-44), and that suitable solvents include glycerin (see col. 11, lines 30-43). Specifically, note Examples 41-6 and 41-7, which disclose compositions containing polyacrylate, NEODOL 1-5, potassium carbonate, water, and adjuncts, wherein the compositions have a pH of 12.88-13.34, per the requirements of the instant invention. Therefore, instant claims 1-3, 19 and 24-26 are anticipated by Ahmed, U.S. Patent No. 6,156,716.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Faubel et al, EP 743,360 A1.

Faubel et al, EP 743,360 A1, discloses a composition comprising 4.4% by weight of 2 ethoxylated alcohols, 10% by weight of butyl diglycol, 6% by weight of polyacrylate, 0.4% by weight of a perfume, water, and adjunct ingredients (see Example 3). It is further taught by Faubel et al that the pH of the composition is 8-10 (see page 4, lines 22-25), per the requirements of the instant invention. Also note Examples 1 and 2. Therefore, instant claims 1-3 are anticipated by Faubel et al, EP 743,360 A1.

Allowable Subject Matter

4. Claims 4-18 and 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Specifically, the prior art of record does not teach or suggest in general liquid cleaning compositions containing the specific components required in instant claims 4-18 and 20-23

5. The examiner notes that the references cited in the International Search Report as "X" references are cumulative to the art rejections of record, and thus, have not been applied in this Office action in accordance with **MPEP 706.02**.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

BPM

Brian Mruk
September 8, 2005

Brian P. Mruk

Brian P. Mruk
Primary Examiner
Tech Center 1700